IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No. 12762 of 2005

Between:

M. Subrahmanyam S/o Subbaiah
R/o Rajagopal puram, Naidupet, Nellore District

..... PETITIONER

AND

1 The Regional Manager/Personnel Officer Andhra Pradesh State Road Transport Corporation Nellore, Nellore District
2 The Depot Manager, APSRTC, Gudur Depot Gudur,

Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandmaus or any other appropriate Writ or direction declaring the order of terminations of licence awarded in favour of the petitioner in proceedings No. 02/122/(101)/2004 RM (GDR) dated 16-5-2005 as illegal arbitrary and in violation of principles of natural justice and set a side the same and consequently direct the respondents to allow the petitioner to run the cycle stand at Naidupet Bus Station till the licence period is completed, as and pass such other or further order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondents: MR.R.MANMADHA REDDY

The Court made the following :

ORDER:

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This writ petition is filed by the petitioner aggrieved by the action of the respondents in canceling the licence awarded to the petitioner in respect of the cycle stand within the premises of Naidupet bus station of the Corporation.

2. It is stated that sealed tenders were called for by the management of the above cycle stand and the petitioner was the successful bidder in the said tenders, and the petitioner was granted licence on a monthly fee of Rs.5,005/- for a period of four months with effect from 13.09.2004, subject to other terms and conditions. It is stated that because of some stagnation of drain water within the area allotted to the petitioner for running the cycle stand, the petitioner could not do any business, and therefore, the petitioner made a representation for waiver of the licence fee payable from January 2005 for a period of four months. Though no orders have been passed on the said representation of the petitioner, but, however, the licence granted to the petitioner was sought to be cancelled, and in fact a notice was issued on 2..5..2005 directing the petitioner to pay the arrears with interest on or before 10..05..2005, and the said was served only on 09.05.2005. Even though the petitioner has got a right to protest the same, but, however, he went to the office of the respondent to pay the amount, but the officials of the respondents did not receive the same. Hence, the petitioner has come up with the present writ petition.

3. It is stated by the learned counsel for the petitioner that under the guise of the cancellation order the respondents are proceeding to re-auction the licence rights for the cycle stand in question, and, hence sought for appropriate orders.

4. Heard both sides and considered the material on record.

5. As the claim of the respondents is that the petitioner did not pay the licence fee for a period of four months, the petitioner is directed to pay the said amount within a period of two weeks from today, including the penal interest and arrears, if any. The respondents are directed not to hold the auction of the rights of the cycle stand for granting licence, and the petitioner shall be permitted to run the cycle stand on condition of his paying the outstanding dues from January to April, including the penal interest, as claimed under the impugned notice, dated 2.5.2005. The petitioner is also further directed to see that there shall not be any arrears of licence fee. If the

petitioner fulfills the above stipulated conditions, and pays the licence fee as per the original terms of the grant of licence, he is entitled to continue as the licensee of the cycle stand in question. If the petitioner fails to pay the amounts as directed, it is always open to the respondents to proceed with the re-auction of the maintenance of the cycle stand in question.

6. The writ petition is disposed of accordingly with the above directions. No costs.

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S. Ananda Reddy, J.

Kvh

Dt. 16.06.2005

Note:

Operative portion

By wire at party's costs.

(bo)

Kvh

To

1 The Regional Manager/Personnel Officer Andhra Pradesh State Road Transport Corporation Nellore, Nellore District
2 The Depot manager, APSRTC, Gudur Depot Gudur,

Nellore District

3. 2 CD copies

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

W.P. No. 12762 of 2005

ORDER

16.06.2005